REMARKS

This responds to the Office Action mailed on November 17, 2008. Claims 22 and 23 are cancelled by this Amendment. The rejections of the remaining claims under 35 U.S.C. § 103(a) are respectfully traversed.

Independent claim 1:

Among other distinctions, neither of the cited references, either alone or in combination, teach or suggest the steps of terminating the first GPRS MM context while the mobile device is out of network coverage of any GPRS wireless network, and deleting a first set of data associated with the first GPRS MM context, as recited in claim 1. In an attempt to show these steps in the cited references, the office action cites to Madour (U.S. 6,904,025) as teaching "terminating the first GPRS MM context" and cites to Sinnarajah (U.S. 7,180,879) as teaching "the mobile device is out of network coverage" and "deleting the first set of data associated with the first GPRS MM context." (See, office action pages 3 and 4). The Applicant respectfully submits that this rejection fails to establish a proper rejection under 35 U.S.C. § 103(a).

First, the rejection is improper because it fails to consider the claim limitations as a whole, as required by MPEP 2141.02. Instead, the rejection cites to portions of references that, taken in context, have absolutely nothing to do with the language of the claim. For instance, with respect to the claim limitation "terminating the first GPRS MM context while the mobile device is out of network coverage of any GPRS wireless network," the office action cites to Madour as teaching the first half of the claim element ("terminating the first GPRS MM context") and cites to Sinnarajah as teaching the second half of the claim element ("the mobile device is out of network coverage.") By pulling the claim language apart in this way, the claim element loses all of its intended meaning, and the examiner is merely matching out-of-context words from the

claim with equally out-of-context words from various references. Clearly, neither Madour nor Sinnarajah have anything to do with the recited claim element "terminating the first GPRS MM context while the mobile device is out of network coverage of any GPRS wireless network." Accordingly, the rejection over Madour and Sinnarajah fails to establish that a person skilled in the art would have derived the claimed invention, and thus fails to establish a *prime facie* rejection under 35 U.S.C. § 103(a). Claim 1 and its dependent claims are therefore patentable over the cited references for this reason alone.

Moreover, when the claim element is properly taken as a whole, it is plainly evident that the cited Sinnarajah reference teaches the opposite of what is claimed. The final office action cites to Fig. 12, col. 12, lines 31-42 of the Sinnarajah reference as teaching the communication state during which the mobile device is out of network coverage of any GPRS wireless network (ignoring the first half of the claim element.) This portion of the Sinnarajah reference describes a "dormant state" where the wireless device releases the physical channel, while <u>maintaining</u> its packet data context with the network. (See, Sinnarajah, col. 12, lines 43-56.) The relevant portions of Sinnarajah are reproduced below for convenience (with emphasis added).

> In an alternative embodiment, depicted in FIG. 12, a shorter version of the Origination Message, referred to herein as a Reconnect Message 1230, which carries the minimally required fields for reconnecting a dormant packet data call is employed. The number of such fields is relatively small, as detailed below. For the case of network-initiated reconnection of dormant calls, this Reconnect Message 1230 can be used instead of the Page Response Message 23. Note that when a larger set of fields is required, the current Origination Message, such as 1 or 910, or the Page Response Message 23 can still be used.
>
> ***Packet data calls can be described using three states: null, dormant and active.*** A packet data connection can persist indefinitely, although it may change states frequently. When a packet data connection is first established, it is created from the null state. Similar to establishing a voice call, all the relevant parameters must be negotiated and agreed to. Once the call is created it enters the active state, similar to the

traffic state described above. In the active state, a physical channel is established and data flows between the mobile station and base station. *From time to time, the packet data connection may no longer need to be active, since no data is flowing in either direction. At this point, the physical channel is torn down, and the packet data call goes into the dormant state.*

While the packet data connection is in the dormant state, the service configuration information can be stored in both the mobile station and the base station. In addition, the protocol state is also stored in the mobile station and the PDSN. <u>For example, if the Point-to-Point Protocol (PPP) is used, its state, such as IP address, etc., remains while the call switches from active to dormant.</u> Only the physical channel itself needs to be released to free up the resource for other users. Thus, when reconnecting a dormant call, only a small subset of the fields in the Origination Message is required. With the increased use of packet data calls, the percentage of call setup originations in a system are associated with bringing a dormant packet data service back to the active state. (Sinnarajah, col. 12, line 31 – col. 13, line 3).

The rejection of claim 1 over Sinnarajah is incorrect for at least two reasons. First, the "dormant state" described in Sinnarajah is not a state during which "the mobile device is out of network coverage with any GPRS wireless network." The "dormant state" in Sinnarajah is completely unrelated to network coverage. Rather, the "dormant state" is entered during periods when no data is flowing in either direction over the network; that is, it is dependent on user activity, not network coverage. A communication device is within network coverage if it is within communication range of the network. The "dormant state" in Sinnarajah does not signify that the device has moved out of network coverage, but rather that the device has become inactive, without regard to whether it is within network coverage or not.

Further, during Sinnarajah's "dormant state" the context is <u>maintained</u> with the network. The claim 1 element at issue (properly taken as a whole) requires the termination of the first GPRS MM context while the mobile device is out of network coverage of any GPRS wireless network. Sinnarajah, on the other hand, teaches that during the "dormant state" the mobile

station's "protocol state," (e.g., the IP address) is maintained at both the mobile station and the PDSN so that it does not have to be reestablished when the mobile station transitions back into the "active state." Consequently, Sinnarajah specifically teaches away from terminating the network context, as recited in claim 1. The use of Sinnarajah in combination with Madour to show this claim element is therefore clearly improper, and the rejection must be withdrawn.

For at least the above reasons, the Applicant respectfully submits that claim 1, along with its dependent claims, are patentable over the cited reference and are in condition for allowance.

Independent Claim 24:

Independent claims 24 is also rejected under 35 U.S.C. § 103 over the combination of Madour and Sinnarajah. Similar to claim 1, independent claim 24 recites the step of "terminating the first PDP context while the mobile station is out of network coverage with any wireless data network." The Applicant submits that claim 24 and its dependent claims are patentable over the cited references for at least the same reasons set forth above with respect to claim 1.

Independent Claim 41:

Independent claim 41 recites the step of "detecting that the mobile device is out-of-coverage with any wireless network." Again, the office action cites to Sinnarajah as teaching this claim limitation. As explained above, this conclusion is incorrect because the "dormant state" described in Sinnarajah does not require that the mobile station be out of network coverage, but rather only requires a period of user inactivity. A mobile station in Sinnarajah may well be in the "dormant state" and still within network coverage. For at least this reason, the

Applicant submits that claim 41 and its dependent claims are patentable over the cited references and the rejections under 35 U.S.C. § 103 should be withdrawn.
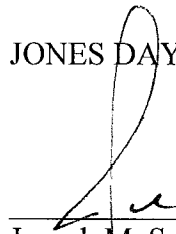
Independent Claim 51:

Independent claim 51 is a system claim that recites executable network management program code that performs the method of claim 41 when executed. Claim 51 and its dependent claims are therefore patentable for at least the same reasons as claim 41.

Conclusion

For at least the above reasons, the Applicant respectfully submits that the pending claims are patentable over the cited reference and in condition for allowance.

Respectfully submitted,

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